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Via Federal Express

Office of the Secretary  
Federal Communications Commission  
1919 M Street, N.W.  
Room 222  
Washington, D.C. 20554

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Re: Notice of Inquiry in the Matter of Closed Captioning  
and Video Description of Video Programming  
MM Docket No. 95-176

Dear Sir or Madam:

I am enclosing one (1) original and nine (9) copies of the Comments of F&V Channel L.L.C., the owner and operator of the Faith & Values Channel.

We thank you for your consideration of our comments.

Very truly yours,



Robert I. Freedman

RIF:ajb  
enc.

cc: Nelson Price, President  
Faith & Values Channel

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Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C.

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TELETYPE

In the Matter of )

Closed Captioning and Video Description )  
of Video Programming )

MM Docket No. 95-176

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Comments of F&V Channel L.L.C.

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New York, New York 10017

Its Attorneys

F & V Channel, L.L.C. (hereinafter "F&V") , the owner and operator of The Faith & Values Channel, a cable television programming service, by its attorneys, hereby submits its comments with respect to the Commission's Notice of Inquiry In the Matter of Closed Captioning and Video Description of Video Programming adopted December 1, 1995 and released December 4, 1995.

## **INTRODUCTION**

In this Notice of Inquiry the Commission has requested interested parties to submit comments on several issues concerned with providing a meaningful television service to the hearing and sight impaired. The Commission has noted that the technology for providing services to this important group of citizens is available and that certain segments of the communications media are already close-captioning some of its programming to better serve the needs of the hearing impaired.

F&V welcomes the opportunity to comment on this subject. In its charter, F&V has stated its purposes to provide programming of a values and spiritual nature to all segments of the television audience, particularly those who are underserved by other television programming services.

F&V was organized in July 1995 as the successor organization to the Vision Interfaith Satellite Network (VISN). F&V seeks to continue the VISN mandate of providing a programming service containing a mix of religious, moral/ethical, values-based and family-based programming and to build bridges of understanding among all people. F&V seeks to accomplish

this purpose through the production and acquisition of programming that reflects family values, providing a forum for the discussion of the moral and ethical problems facing American families and the presenting of religious programming from diverse religious traditions in the United States. F&V is owned in part by the National Interfaith Cable Coalition, Inc., (“NICC”) a not-for-profit interfaith organization comprised of representatives of the major faith groups serving the religious and spiritual needs of the population and Liberty Media Corporation. NICC’s member faith groups have a strong commitment to providing close captioned programming and to serving the needs of as broad an audience as possible. F&V is dedicated to emphasizing the positive moral precepts of its faith group members. Its Standards and Practices prohibit proselytizing, denigrating other faith groups and soliciting funds on the air.

F & V does not have the data nor the resources to accumulate the data sufficient to comment on the overall social effects and benefits of mandatory closed captioning. It is hoped that other organizations will have such necessary information to contribute to this inquiry.

## **I.**

### **THE SOURCES OF F&V PROGRAMMING**

F&V acquires its programming through (a) contributions of programming from the many and varied faith groups that constitute NICC; (b) acquired programs from traditional sources of television programming, including independent producers and domestic and foreign program distributors; and (c) by F&V originally produced programming.

F&V receives a substantial amount of its programming from its member faith groups.

These programs are produced by the faith groups out of internally generated funding from their congregations and relate to issues of concern to that faith group and also to the general television audience.

F&V also acquires documentary and family-oriented programming from a broad variety of domestic and foreign television program suppliers. Since F&V's acquisitions budget is a very small fraction of commercial television budgets, the programming it acquires is either of special interest conforming to the channel's programming mandate or of a vintage when captioning and encrypting were not customary. Consequently, virtually none of F&V's acquired programming has been captioned or encrypted.

F&V has been seeking to produce a greater amount of original programming. F&V's programming budget for the entire year is far less than what the commercial television networks often spend on one evening's programming. Consequently, F&V's original programming budgets are usually bare bones to begin with, and allocations of funding to close-caption or otherwise encrypt programming would be a major addition to the production budget of each program produced by the channel.

## **II.**

### **COSTS OF CLOSED-CAPTIONING F&V PROGRAMMING**

F&V has investigated the cost of closed-captioning its programming. The costs appear to be approximately \$1,200 per hour program; \$750 per half-hour program; and \$250 per commercial minute. As little of the programming being delivered to F&V is currently closed-

captioned, the cost of closed-captioning one day of programming would be approximately \$25,000. If all programs are repeated once each year, the cost of closed-captioning an entire year's programming would be approximately \$4,500,000, an amount exceeding the entire year's programming budget. Even selective closed captioning of programs would have a major financial impact on F&V's ability to produce original programming to its entire audience.

### **III.**

#### **F&V'S PROPOSALS FOR CLOSED-CAPTIONING AND VIDEO DESCRIPTION**

(1) F & V proposes that programs produced primarily for television broadcast be closed captioned at the time of their production. The cost of production would therefor be spread among thousands of producers rather than dozens of networks. Furthermore, once the program is closed captioned at production, the program will be available in closed captioned format to all users including the original broadcasts, subsequent broadcasts by other networks and broadcasters, home video versions, etc. By mandating the original broadcast network to close caption programming could result in duplicative costs of successive networks and broadcasters having to again close caption the same programs. Here again there may be economic imperatives to the viability of requiring universal captioning. The Commission might consider establishing a floor so that producers would not be required to close caption if the cost of doing so exceeds a percentage of the production budget (e.g., one or two percent).

(2) The Commission could require networks to close caption programming, but the costs, as we have indicated, could be prohibitive to smaller budgeted networks. We strongly urge the Commission to establish minimum economic criteria for compliance with mandatory rules. The Commission needs to consider the annual revenue of the program service and the size of its audience measured in viewing audience over a seven days a week, twenty-four hour day period. The Commission should also establish reasonable phasing-in periods requiring an increasing percentage of programs to be closed captioned as revenue and viewing audience grows, as well as a reasonable timetable for the implementation of closed captioning.

(3) F&V recognizes the need to provide television services that are accessible to the millions of Americans with hearing and visual impairments. The need to guarantee all Americans access to important facilities is an issue of national importance which has been visited by the government in the Americans with Disabilities Act and in state and local legislation. The Notice of Inquiry also recognized that 40% of funding for closed captioned programs is presently provided through government funding. Access to information and, possibly to a lesser extent, access to entertainment, are important services that are shared by all Americans and therefore should be available to hearing and visually impaired Americans. Since the technology exists to fulfill this need, the stumbling block to universal availability is economic.

As we have already shown above, the cost to F&V of making its programming available to all segments of the population is prohibitive under the level of income and operating budgets which it currently has available. Consequently, without a planned implementation of mandatory closed captioning, the Commission runs the risk of eliminating some low cost productions and

low budget cable networks such as F & V which supply other than lowest common denominator kinds of programming. While it is necessary to assure service to minority audiences, the present cost of universal service of closed captioned programming could greatly impede and even eliminate the service of many lower budgeted cable program services such as F & V with its perspectives on issues of faith and values.

F&V proposes that a fund be established through an appropriate government agency to provide resources for closed-captioning and video description. Program suppliers (producers, distributors and networks) would submit descriptions of completed programs to a central clearing house and program panels of the clearing house would determine which programs would receive full or partial funding for closed-captioning and video description. The clearing house would determine criteria for the granting of such funds including, but not limited to, the economic resources available to the program provider, the importance and popularity of particular programming, and whether the same or similar programming is already available in closed-captioned or video descriptive formats. All available funds would go directly toward paying for the versioning costs and should not be diluted by payments to program sources for their administrative costs. This fund might also be disbursed on a matching fund basis.

It is also anticipated that the costs of closed-captioning and video description services would decrease with a greater volume of work generated by the clearing house and further technical innovations. In this manner worthy programming that would not otherwise be fully accessible to millions of Americans from programming sources that are already strapped for programming funds would be more fully available to underserved audiences.



F&V believes that the costs involved in this project are quite small in comparison to the amount of information and enjoyment that can be brought to so many Americans. This service will enable such persons to more fully participate in all aspects of American life. To the extent that it will enable such persons to become more active in the American economy, the costs to government will be repaid manyfold.

In summary, F&V urges the Commission to adopt rules that will foster growth of programming to serve the hearing and sight impaired. However, such rules must be consistent with the economic realities of the program services that furnish such programming and must serve the public good without endangering the financial viability of the program sources who do want to make their programs available to the widest possible audiences.

Respectfully submitted,

F&V Channel, L.L.C.

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Its Attorneys

February 28, 1996